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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 16 April 2003 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), and has the honour to submit herewith an updated report of the Republic of Korea, in accordance with paragraph 6 of resolution 1455 (2003).

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Annex to the note verbale dated 16 April 2003 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chairman of the Committee

Report to the Committee submitted pursuant to paragraph 6 of Security Council resolution 1455 (2003)

I. Introduction

1. **Please provide a description of activities, if any, by Osama bin Laden, al-Qa'idah, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.**

Neither the presence of or activities by al-Qa'idah, the Taliban or their associates within the territory of the Republic of Korea have been detected, prior to and after the 11 September terrorist attacks in the United States.

II. Consolidated list

2. **How has the 1267 Committee's list been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

When the Committee adopted the consolidated list pursuant to the relevant Council resolutions, the Ministry of Foreign Affairs and Trade immediately conveyed the list through official communication channels to concerned authorities within the Government, along with the request to undertake necessary steps to implement the sanctions regime. The list has also been shared with the police, intelligence and consular authorities, to be utilized in their respective law enforcement activities.

Different domestic laws and regulations apply to each component of the sanctions imposed by resolution 1390 (2002) and further extended by resolution 1455 (2003).

In order to implement the financial ban against individuals and entities associated with the Taliban and al-Qa'idah, the Ministry of Finance and Economy issued a new decree, on 11 October 2001, entitled "Approval Guidance on Payment and Receipt of Taliban and other Terrorist-related Funds" under the legal authority of the Foreign Currency Control Act. In accordance with the decree, banks and other financial institutions are required to freeze financial assets, as called for in the relevant Council resolutions.

To expedite implementation of the travel ban, the Ministry of Justice has been activating relevant provisions in the Statute of Immigration Control. Pursuant to the Statute, the Ministry of Justice puts the individuals designated under the relevant Council resolutions on the controlled list and disseminates the list to every border control authority via computer networks to enforce a strict immigration watch for the listed individuals.

To accommodate the arms embargo against the listed individuals and entities, the Ministry of Commerce, Industry and Energy amended in 2002 the decree entitled

"Special Measures as to Restrictions on Trade for the Maintenance of International Peace and Security" under the legal authority of the Foreign Trade Act. The Korea Customs Office acts as the enforcement agency in the field.

3. **Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.**

We have not encountered any problems with implementing the sanctions thus far. However, it should be noted that a great majority of the names on the consolidated list lack the necessary identifying information, which may cause difficulties in the future.

4. **Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

Our authorities have not identified inside our territory any individuals or entities designated under the consolidated list.

5. **Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or al-Qa'idah that have not been included in the list, unless to do so would compromise investigations or enforcement actions.**

Our authorities have not identified inside our territory any individuals or entities associated with Osama bin Laden or members of the Taliban or al-Qa'idah that have not been included in the consolidated list.

6. **Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.**

There have been no such cases thus far.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

Our authorities have not identified any of the listed individuals or entities as nationals or residents of the Republic of Korea.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting al-Qa'idah members in carrying out activities inside your country, and to prevent individuals from participating in al-Qa'idah training camps established in your territory or in another country.**

Article 114 of the Criminal Act and article 4 of the Act on the Punishment of Violent Actions etc. both stipulate that organizing a group with intent to commit crime constitutes a criminal act. Article 5 of the latter Act further provides that assisting criminal groups also constitutes a criminal act.

Articles 30 to 32 of the Criminal Act rule that any activities providing funds for these crimes shall be punished as an act of complicity in a crime. Also, in accordance with article 48 of the same Act, assets connected to terror-related criminal activities shall be confiscated.

III. Financial and economic asset freeze

9. **Please describe briefly: the domestic legal basis to implement the asset freeze required by the resolutions above; any impediments under your domestic law in this context and steps taken to address them.**

The Ministry of Finance and Economy issued a new decree on 11 October 2001, entitled "Approval Guidance on Payment and Receipt of Taliban and other Terrorist-related Funds" under the legal authority of the Foreign Currency Control Act. On 12 December 2002, the Ministry amended the Guidance to incorporate the bilateral request from the United States Government for a financial ban on those designated under United States Executive Order 13224 of 23 September 2001.

We do not have any impediments under our domestic law in this context.

10. **Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, al-Qa`idah or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

On the basis of the Ministry of Finance and Economy decree mentioned above, banks and other financial institutions are obligated to detect financial transactions involving the listed individuals and entities and provide relevant information to the Ministry. The Ministry shares, as appropriate, information with law enforcement agencies, subject to potential investigation.

We also have a number of domestic laws in place to suppress the financing of terrorists. The Criminal Act and many other special laws stipulate a number of terror-related activities as a crime, and that any activities providing funds for these crimes shall be punished as an act of complicity in a crime.

All financial institutions and law enforcement agencies coordinate activities and exchange information with regard to the identification and investigation of financial networks of individuals and entities contained in the consolidated list, through bilateral and multilateral channels established at the national, regional and international level.

11. **Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of al-Qa`idah or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.**

In accordance with its decree, the Ministry of Finance and Economy sends the consolidated list to the banks and other financial institutions that are obligated to register it on the electronic database as classified information.

Through the database network, the banks and other financial institutions can detect any financial transactions involving the listed individuals and entities in our territory.

The Korea Financial Intelligence Unit, an independent body in charge of monitoring money-laundering activities, is seeking to find a way to accommodate in our legal system "due diligence" or "know your customer" requirements, consistent with the recommendations of the Financial Action Task Force for Money-laundering.

12. **Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2000) and 1390 (2002).**

No such listed individuals or entities have been found in the Republic of Korea. As a result, no assets of listed individuals and entities have been frozen pursuant to resolutions 1267 (1999), 1333 (2000), 1390 (2002) and 1455 (2003).

13. **Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of al-Qa`idah or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.**

Because we do not have any frozen assets of listed individuals and entities as mentioned above, we do not have any frozen assets released, either.

14. **Pursuant to resolutions 1455 (2003), 1390 (2002), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities.**

Pursuant to its decree, the Ministry of Finance and Economy uses official channels of notification to inform the banks and other financial institutions in our territory about the content of the decree and the list of designated individuals and entities.

Article 4 of the 2001 Financial Transaction Reports Act provides that all financial institutions shall report without delay any suspicious financial transactions to the Korea Financial Intelligence Unit, if there is a reasonable basis for suspicion.

The above-mentioned Act further stipulates in article 7 that the Unit shall review and analyse the reported suspicious financial transactions and provide relevant information to all investigating law enforcement agencies, including the Prosecutor-General of the Public Prosecutor's Office, the Commissioner-General of

the National Police Agency, the Commissioner of the National Tax Service, the Commissioner of the Korea Customs Office, and the Financial Supervisory Committee.

Law enforcement agencies which receive information from the Korea Financial Intelligence Unit conduct investigations as appropriate. If they find sufficient evidence against any alleged perpetrator(s), they will take necessary steps, including prosecution, in accordance with the Criminal Act.

Pursuant to the Foreign Currency Control Act, the export and import of gold bullion exceeding US$ 50,000 in value are subject to the approval of the Governor of the Bank of Korea; effective restrictions are thereby placed on the movement of gold. Effective 1 January 2003, the Republic of Korea is a full participant in the Kimberley Process Certification Scheme barring the import and export of diamonds with countries that are non-participants.

In accordance with the Foreign Currency Control Act, all kinds of alternate remittance systems are subject to punishment.

The Financial Transaction Reports Act, the Proceeds of Crime Act, and the Foreign Currency Control Act are applicable to all financial actors, including individuals and charitable, religious and cultural organizations.

The Commercial Act, the Civil Act and the Act on the Establishment and Operation of Public Organizations stipulate that those who wish to establish non-profit organizations such as charitable, religious or cultural organizations must register with the relevant authorities. The supervisory authorities monitor their activities so that they cannot be implicated in terrorist or criminal activities.

IV. Travel ban

15. **Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.**

In order to implement the travel ban, the Ministry of Justice has been activating relevant provisions in the Statute of Immigration Control. In accordance with the Statute, the Ministry puts the individuals designated under the relevant Council resolutions on the controlled list and disseminates the list to every border control authority via computer networks to enforce a strict immigration watch for the listed individuals.

16. **Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.**

The Ministry of Justice has added the names of the listed individuals to our national border checkpoint list kept in the computer database. Every border control authority has exclusive access to the names of the listed individuals through the database system.

17. **How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?**

As soon as the Ministry of Foreign Affairs and Trade gets the updated version of the list from the Committee, it transmits the information to the Ministry of Justice. The Ministry of Justice, in turn, adds the new or changed information to the border checkpoint list.

We possess the capability of searching list data using computer networks.

18. **Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.**

There have been no such cases thus far.

19. **Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?**

The Ministry of Foreign Affairs and Trade circulates the information on the listed individuals and entities internally. Its Consular Affairs Division has instructed all Korean Embassies and Consulates to incorporate the list in the reference database.

Our Embassies and Consulates resident in foreign countries have not yet reported any visa application involving a name appearing on the consolidated list.

V. Arms embargo

20. **What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction by Osama bin Laden, members of the al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?**

To accommodate the arms embargo against the listed individuals and entities, the Ministry of Commerce, Industry and Energy amended in 2002 the existing decree entitled "Special Measures as to Restrictions on Trade for the Maintenance of International Peace and Security" under the legal authority of the Foreign Trade Act.

The Ministry of Commerce, Industry and Energy further issued a decree entitled "Public Notice on Trade and Export of Strategic Goods", under the legal authority of the Foreign Trade Law, to introduce a catch-all system into its legal framework to restrict export of dual-use items and sensitive technology to foreign destinations, effective 1 January 2003. The Korea Customs Office implements enforcement in the field.

Further, the Republic of Korea has been a contracting party to all of the existing export control regimes since it joined the Missile Technology Control Regime in 2001 (Nuclear Suppliers Group, 1995; Australia Group, 1997; Wassenaar Arrangement, 1996). The requirements under these regimes are fully implemented through the Public Notice mentioned above.

21. **What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of the al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them?**

Pursuant to the Foreign Trade Act, any violations of the above-mentioned decrees shall be punished by imprisonment for not more than five years, or a fine not exceeding thrice the value of the items in violation.

22. **Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of the al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

Article 70 of the Firearms, Knives, Explosives, etc. Control Act prohibits non-licensed manufacture, sale and trade of firearms and, in accordance with articles 30 to 32 of the Criminal Act, assistance through supply of weaponry to all sorts of terror-related crimes shall be punished as an act of complicity in those crimes.

23. **Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of the al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them?**

The Special Law on Defence Industry and the Technology Development and Promotion Act function as further safeguards in controlling the export of weapons and related technology to individuals and entities associated with the Taliban and al-Qa'idah.

VI. Assistance and conclusion

24. **Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.**

We will continue to review our capacity to assist other States to help them implement the sanctions imposed on al-Qa'idah, the Taliban, and related members and entities.

25. **Please identify areas, if any, of any incomplete implementation of the Taliban/al-Qa'idah sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the above sanctions regime.**

Not available.

26. **Please include any additional information you believe pertinent.**

Not available.